

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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BRETT DOYLE,

Case No. 3:19-cv-00725-MMD-CSD

Plaintiff,

ORDER

v.

STATE OF NEVADA, *et al.*,

Defendants.

*Pro se* Plaintiff Brett Doyle, who is incarcerated at Lovelock Correctional Center, brings this action under 42 U.S.C. § 1983. (ECF No. 7.) The Court previously denied Defendants' motion for summary judgment, finding that material issues of facts exist on Plaintiff's First Amendment Free Exercise Clause and Establishment Clause claims. (ECF No. 50.) Before the Court is the Report and Recommendation ("R&R") of United States Magistrate Judge Craig S. Denney (ECF No. 72), recommending that the Court deny Plaintiff's emergency motion for preliminary injunction (ECF No. 64 ("Motion")). Plaintiff had until April 24, 2023, to file an objection to the R&R. To date, Plaintiff has not filed an objection. For this reason, and as explained below, the Court adopts the R&R in full and will deny Plaintiff's Motion.

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge's recommendation, the Court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) ("De novo review of the magistrate judges' findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.") (emphasis in original); Fed. R. Civ. P. 72, Advisory

1 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no  
2 clear error on the face of the record in order to accept the recommendation”).

3 Because Plaintiff did not file an objection, the Court need not conduct de novo  
4 review, and is satisfied that Judge Denney did not clearly err. In fact, the Court agrees  
5 with Judge Denney’s finding that there is a lack of sufficient nexus between Plaintiff’s  
6 Motion and the allegations in this case. (ECF No. 72 at 4.) Accordingly, the Court adopts  
7 the R&R.

8 It is therefore ordered that Judge Denney’s Report and Recommendation (ECF  
9 No. 72) is accepted and adopted in full.

10 It is further ordered that Plaintiff’s emergency motion for preliminary injunction  
11 (ECF No. 64) is denied.

12 DATED THIS 1<sup>st</sup> Day of May 2023.

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15 MIRANDA M. DU  
16 CHIEF UNITED STATES DISTRICT JUDGE  
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